

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

CMR CONSTRUCTION & ROOFING
LLC,

Plaintiff,

v.

Case No: 2:20-cv-422-FtM-29MRM

THE ORCHARDS CONDOMINIUM
ASSOCIATION, INC., and MARK
JOHNSON, individually

Defendants.

THE ORCHARDS CONDOMINIUM
ASSOCIATION, INC.,

Plaintiff,

v.

Case No: 2:20-cv-564-FtM-29MRM

EMPIRE INDEMNITY INSURANCE
COMPANY and CMR CONSTRUCTION
& ROOFING LLC,

Defendants.

CMR CONSTRUCTION & ROOFING,
LLC, a/a/o The Orchards
Condominium Association,
Inc.,

Plaintiff,

v.

Case No: 2:20-cv-917-FtM-29MRM

EMPIRE INDEMNITY INSURANCE
COMPANY,

Defendant.

OPINION AND ORDER

This matter comes before the Court on plaintiff CMR Construction & Roofing, LLC's (CMR) Unopposed Motion for Entitlement to Attorney's Fees and Cost (Doc. #104) filed on February 7, 2022. CMR seeks attorney fees and costs related to defendant The Orchards Condominium Association, Inc.'s (The Orchards) counterclaim brought under the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), Fla Stat. § 501.201, *et seq.* The Court dismissed The Orchards' FDUTPA counterclaim with prejudice when granting CMR's motion to dismiss The Orchards' Second Amended Counterclaim. (Doc. #103.)

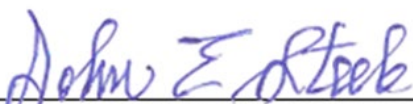
Pursuant Local Rule 7.01(b), CMR first moves for its entitlement to fees as the prevailing party under the FDUTPA. Fla. Stat. § 501.2105. The Orchards does not oppose CMR's entitlement to fees. Given the foregoing, the Court finds CMR is entitled to attorney fees and costs related to its defense of The Orchards' FDUTPA counterclaim. CMR may supplement the motion on the amount following the requirements of Local Rule 7.01(c).

Accordingly, it is now

ORDERED:

CMR Construction & Roofing, LLC's (CMR) Unopposed Motion for Entitlement to Attorney's Fees and Cost (Doc. #104) is **GRANTED**.

DONE and ORDERED at Fort Myers, Florida, this 25th day of
February, 2022.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Counsel of record